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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,704	04/23/2001	Shoukat Dedhar	KINE001CON2	5167

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EXAMINER

GIBBS, TERRA C

ART UNIT PAPER NUMBER

1635

DATE MAILED: 09/30/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

## DETAILED ACTION

### *Nucleotide and/or Amino Acid Sequence Disclosure*

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 Fed. Reg. 18230, May 1, 1990. It is noted that the application fails to comply with 37 CFR 1.821(a) and (d).

37 CFR 1.821(a) states, "Nucleotide and /or amino acid sequences as used in 37 CFR §1.821 through 1.825 are interpreted to mean an unbranched sequence of *four or more* amino acids or an unbranched sequence of *ten or more* nucleotides. Branched sequences are specifically excluded from this definition. Sequences with fewer than four specifically defined nucleotides or amino acids are specifically excluded from this section. "Specifically defined " means those amino acids other than "Xaa " and those nucleotide bases other than "n " defined in accordance with the World Intellectual Property Organization (WIPO) Handbook on Industrial Property Information and Documentation, Standard ST.25: Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in Patent Applications (1998), including Tables 1 through 6 in Appendix 2, herein incorporated by reference. (Hereinafter "WIPO Standard ST.25 (1998)). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of WIPO Standard ST.25 (1998) may be obtained from the World Intellectual Property Organization; 34 chemin des Colombettes;

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1211 Geneva 20 Switzerland. Copies of ST.25 may be inspected at the Patent Search Room; Crystal Plaza 3, Lobby Level; 2021 South Clark Place; Arlington, VA 22202. Copies may also be inspected at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC. Nucleotides and amino acids are further defined as follows:

- (1) Nucleotides: Nucleotides are intended to embrace only those nucleotides that can be represented using the symbols set forth in WIPO Standard ST.25 (1998), Appendix 2, Table 1. Modifications, e.g., methylated bases, may be described as set forth in WIPO Standard ST.25 (1998), Appendix 2, Table 2, but shall not be shown explicitly in the nucleotide sequence.
- (2) Amino acids: Amino acids are those L-amino acids commonly found in naturally occurring proteins and are listed in WIPO Standard ST.25 (1998), Appendix 2, Table 3. Those amino acid sequences containing D-amino acids are not intended to be embraced by this definition. Any amino acid sequence that contains post-translationally modified amino acids may be described as the amino acid sequence that is initially translated using the symbols shown in WIPO Standard ST.25 (1998), Appendix 2, Table 3 with the modified positions; e.g., hydroxylations or glycosylations, being described as set forth in WIPO Standard ST.25 (1998), Appendix 2, Table 4, but these modifications shall not be shown explicitly in the amino acid sequence. Any peptide or protein that can be expressed as a sequence using the symbols in WIPO Standard ST.25 (1998), Appendix 2, Table 3 in conjunction with a description in the Feature section to describe, for example, modified linkages, cross links and end caps, non-peptidyl bonds, etc., is embraced by this definition.

37 CFR 1.821(d) states, "Where the description or claims of a patent application discuss a sequence that is set forth in the "Sequence Listing" in accordance with paragraph (c) of this

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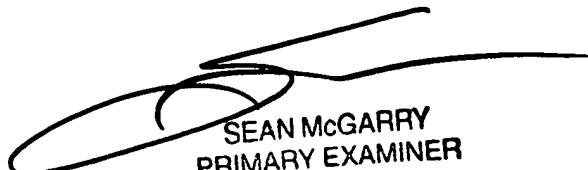
section, reference must be made to the sequence by use of the sequence identifier, preceded by "SEQ ID NO:" in the text description or claims, even if the sequence is also embedded in the text of the description or claims of the patent application". For example, at page 28 of the instant specification, line 17 contains, "AAUAAA" and line 22 contains, "GXGXXG". Additionally, Figures 1A, 1B and 1C should have accompanying SEQ ID numbers. The above are examples and are not intended to indicate that the examiner has made an exhaustive review of the application. It is the duty of the applicant to fully comply with sequence rules of 37 CFR § 1.821 (a-d).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terra C. Gibbs whose telephone number is (703) 306-3221. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John L. LeGuyader can be reached on (703) 308-0447. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-8693 for regular communications and (703) 872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

tcg  
September 26, 2002

  
SEAN MCGARRY  
PRIMARY EXAMINER  
1635